from the group consisting of zirconia, zirconia-rich ceria/zirconium mixed oxide, and others. Reisinger further teaches that the support materials may contain zirconia or ceria-rich ceria/zirconium mixed oxide.

Reisinger merely indicates that the noble metal is loaded on support materials containing metal oxides. Reisinger does not indicate a ratio of the metal oxide in the loading layers specifically, disclosed examples comprise alumina-composite oxide-Pr5011-zirconium. With reference to Table 1, Reisinger shows an example in which alumina is contained in the amount of 50% by weight in the loading layer, i.e., alumina is a main component of the loading layer. With reference to, for example, paragraphs [0018] and [0019] of Reisinger, the Office Action alleges that Reisinger can reasonably be considered to teach a combination of all of the features positively recited in independent claim 1. Applicant previously argued that the analysis of the Office Action necessarily fails for several reasons. In the Response to Arguments section, the Office Action notes Applicant's previous arguments but insists that these arguments are not found persuasive because the disclosed invention is not being limited to the Examples in the reference only, but also the invention as a whole and the teachings within the reference should also be considered as well. The Office Action states that "[w]hile there might be no examples exemplifying the claimed metal ratios, however, in view of the teaching of the platinum amount (which is from 0.01 to 5 wt.%) and the stabilizer amount (which is 0.5 to 20 wt.% of lanthana) contained in the coating layer, which provides for the amount of metal oxide being more than 80% by weight. In this regard, the Office Action concludes that the claimed metal oxide ratio does not appear to be patentably distinguished from the disclosed metal oxide ratio.

The above analysis in the Response to Arguments section fails in the same manner that the specific rejections continue to fail. The Office Action fails to make a positive

showing regarding how each of the positively recited claim features of, for example, claim 1 is explicitly or impliedly taught by the Reisinger reference.

As noted above, Reisinger discloses a catalyst purify CO, VOC, and halogenated organic compound. The subject matter of the pending claims is directed to an exhaust-gas purifying catalyst for a vehicle. As such, the reference and the subject matter of the pending claims are directed to specifically differing objectives.

Reisinger shows only the catalyst having a loading layer whose main component is alumina. Conversely, the subject matter of the pending claims is directed to ceria-zirconia or the composite compound being contained in an amount of 80% by weight or more in the loading layer. This represents a significant departure from Reisinger in the composition of the features positively recited in the pending claims. Ceria-zirconia or the composite compound, which is a main component of the loading layer of the subject matter of the pending claims, has an oxygen storage ability. Alumina, which is the main component of the loading layer of Reisinger, does not have such an oxygen storing ability. In this regard, the loading layer that is the subject matter of the pending claims and any alleged loading layer in Reisinger are composed of quite different substances and are directed to different objectives. The loading layer that is the subject matter of the pending claims has specific characteristics based on its specifically positively recited composition.

Claim 1 recites, an exhaust-gas purifying catalyst, comprising: a catalyst support substrate; a loading layer formed by the catalyst support substrate, and comprising cerium oxide and zirconium oxide in a summed amount of 80% by weight or more with respect to the entire loading layer taken as 100% by weight, or a cerium-zirconium compound in an amount of 80% by weight or more with respect to the entire loading taken as 100% by weight, and at least one additive member selected from the group consisting of yitrium, lanthanum, iron and potassium; and a catalytic ingredient loaded on the loading layer. As Applicant

argued previously, there is no allegedly corresponding loading layer disclosed in Reisinger that includes this combination of features. The Office Action continues to appear to select ranges for the substrate in Reisinger as supposedly disclosing such features. There is, however, nothing in Reisinger that teaches the composition of the loading layer, as positively recited in independent claim 1.

Further, simply because Reisinger appears to disclose some elemental composition in a broad range does not mean that such a broad range, even as the Office Action attempts to assert, can reasonably be considered to anticipate the subject matter of the pending claims. As Applicant previously argued, in instances where a prior art reference is alleged to teach a range within, overlapping or touching the claimed range, but provides no specific example falling within the claimed range, as is the case here, MPEP §2131.03 instructs that the apparently anticipating range must be "disclosed in the [supplied] reference with 'sufficient specificity to constitute anticipation under the statute.'" The MPEP section goes on to state what constitutes "sufficient specificity." In such an instance, as is the case here, where the claims recite a narrow range, with a specific disclosed benefit attributable to the narrow range, and the reference teaches a broad range, which the Reisinger reference may not even do with respect to the pending claims, it remains unreasonable to conclude that the narrow range is anticipated because the broad range is not disclosed with sufficient specificity to constitute anticipation of the claims. In other words, simply asserting that the claimed range is somewhere within a broad range of potential ranges, advantages of the narrow range not being predictable or otherwise foreseen, does not make the narrow range, as claimed, anticipated.

Applicant previously made this argument. The Office Action fails to address this argument. The Office Action rather concedes that there are no examples exemplifying the claimed metal ratios disclosed in Reisinger. The Office Action then, in clear contravention of

the MPEP guidance, attempts to assert that some broad ranges disclosed in Reisinger may somehow be considered to anticipate the subject matter of the pending claims. The analysis of the Office Action is simply incorrect in this regard.

In summary, the Office Action's analysis continues to unreasonably construe the positive disclosures of Reisinger for what that reference can reasonably be considered to teach, or to have suggested, with respect to the subject matter of at least independent claim 1. Further, the attempt at rebuttal of Applicant's previous arguments avoids specific guidance set forth in the MPEP regarding anticipation of ranges.

For at least the above reasons, Reisinger cannot reasonably be considered to teach, or to have suggested, at least the combination of all of the features positively recited in independent claim 1. Further, claims 2-4 are also neither taught, nor would they have been suggested, by Reisinger for at least the dependence of these claims on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-4 under 35 U.S.C. §102(e) as being anticipated by Reisinger are respectfully requested.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,

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JAO:DAT/cfr

Attachment:
Petition for Extension of Time

Date: April 10, 2008

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